

FILED

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District Of Montana
Billings

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ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASEY PATRICK FLEMING,
JASON NEEL,
CODY WILLIAM SIMPSON,
DAVID LEE BARNARD, JR.,
DAVID LEE GOFFENA,
KIRSTA ELAINE GOFFENA,
HEATHERLYN KYRIE FORE,
GERARDO LOPEZ MARTINEZ,
MARIO ALBERT VILLEGAS,
DESIREE MARGARITA JIMENEZ,

CR 14- 38 -BLG-SPW

INDICTMENT

**CONSPIRACY TO DISTRIBUTE
METHAMPHETAMINE AND TO
POSSESS METHAMPHETAMINE
WITH INTENT TO DISTRIBUTE**
Title 21 U.S.C. § 846 (Count I)
(Penalty: Mandatory minimum ten
years to life imprisonment, \$10,000,000
fine, and at least five years supervised
release)

KATHERINE SUE NEEL, <i>aka</i> <i>Catherine Sue Neel</i>, and DAVID DELCARMEN, Defendants.	POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE (Count II) Title 21 U.S.C. § 841(a)(1) Title 18 U.S.C. § 2 (Penalty: Mandatory minimum ten years to life imprisonment, \$10,000,000 fine, and at least five years supervised release) DISTRIBUTION OF METHAMPHETAMINE (Counts III-VIII) Title 21 U.S.C. § 841(a)(1) (Penalty for Counts III, IV: 20 years imprisonment, \$1,000,000 fine, and at least three years supervised release. Penalty for Counts V-VIII: Mandatory minimum five years to 40 years imprisonment, \$5,000,000 fine, and at least four years supervised release) POSSESSION OF A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME (Counts IX, X) Title 18 U.S.C. §§ 2 and 924(c)(1)(A) (Penalty: Mandatory minimum five years to life imprisonment, consecutive to any other sentence, \$250,000 fine, and five years supervised release for first conviction. Mandatory minimum 25 years to life imprisonment, consecutive to any other sentence, \$250,000 fine, and five years supervised for second or subsequent conviction) CONSPIRACY TO COMMIT MONEY LAUNDERING (Count XI) Title 18 U.S.C. § 1956(h) (Penalty: 20 years imprisonment, \$500,000 fine, and three years supervised release) CRIMINAL FORFEITURE 21 U.S.C. § 853
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TITLE 21 PENALTIES MAY BE ENHANCED FOR PRIOR DRUG-RELATED FELONY CONVICTIONS

THE GRAND JURY CHARGES:

COUNT I

That beginning on or about September 25, 2013, and continuing thereafter until on or about March 24, 2014, at Billings, Roundup, and Sidney, and elsewhere in the State and District of Montana, and in the states of California and North Dakota, and elsewhere, the defendants, CASEY PATRICK FLEMING, JASON NEEL, CODY WILLIAM SIMPSON, DAVID LEE BARNARD, JR., DAVID LEE GOFFENA, KIRSTA ELAINE GOFFENA, HEATHERLYN KYRIE FORE, GERARDO LOPEZ MARTINEZ, MARIO ALBERT VILLEGAS, DESIREE MARGARITA JIMENEZ, KATHERINE SUE NEEL *aka Catherine Sue Neel*, and DAVID DELCARMEN, together and with others both known and unknown to the Grand Jury, knowingly conspired and agreed to distribute, and to possess with the intent to distribute, in violation of 21 U.S.C. § 841(a)(1), 500 grams or more of a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

OBJECTS OF THE CONSPIRACY

The objects of the conspiracy included: (1) the possession, with the intent to distribute, of 500 grams or more of a substance containing a detectable amount of

methamphetamine; and (2) the distribution of 500 grams or more of a substance containing a detectable amount of methamphetamine.

MEANS AND METHODS

To accomplish the objects of the conspiracy, the conspirators employed the following means and methods:

1. Defendants FLEMING and JASON NEEL set up a drug trafficking organization with the intent to obtain methamphetamine in California and ship the methamphetamine to Montana and other locations for distribution;
2. Defendant FLEMING obtained wholesale amounts of methamphetamine from sources of supply in the state of California;
3. Defendant FLEMING then directly distributed the methamphetamine to others in Montana and indirectly distributed the methamphetamine to others in Montana and elsewhere by means of methamphetamine couriers and subordinate methamphetamine distributors who operated in and from Taft, California;
4. Defendant CODY WILLIAM SIMPSON was among the network of California-based subordinate methamphetamine distributors employed by defendant FLEMING;
5. Defendants DAVID LEE BARNARD, JR., DAVID LEE GOFFENA, and KIRSTA ELAINE GOFFENA, were among the network of Montana-based

subordinate methamphetamine distributors who received methamphetamine shipped from California and distributed the methamphetamine in Montana.

All in violation of 21 U.S.C. § 846.

COUNT II

That beginning on or about September 25, 2013, and continuing thereafter until on or about March 24, 2014, at Billings, Roundup, and Sidney, and elsewhere in the State and District of Montana, and in the states of California and North Dakota, and elsewhere, the defendants, CASEY PATRICK FLEMING, JASON NEEL, CODY WILLIAM SIMPSON, DAVID LEE BARNARD, JR., DAVID LEE GOFFENA, KIRSTA ELAINE GOFFENA, HEATHERLYN KYRIE FORE, GERARDO LOPEZ MARTINEZ, MARIO ALBERT VILLEGAS, DESIREE MARGARITA JIMENEZ, and KATHERINE SUE NEEL *aka Catherine Sue Neel*, and DAVID DELCARMEN knowingly possessed, with the intent to distribute, 500 grams or more of a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and aided and abetted the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT III

That on or about November 14, 2013, at Roundup, in the State and District of Montana, the defendant, DAVID LEE GOFFENA, knowingly distributed a

substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT IV

That on or about November 15, 2013, at Billings, in the State and District of Montana, the defendant, CASEY PATRICK FLEMING, knowingly distributed a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT V

That on or about December 12, 2013, at Billings, in the State and District of Montana, the defendant, CASEY PATRICK FLEMING, knowingly distributed a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT VI

That on or about January 7, 2014, at Roundup, in the State and District of Montana, the defendant, DAVID LEE GOFFENA, knowingly distributed 50 grams or more of a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT VII

That on or about January 28, 2014, at Roundup, in the State and District of Montana, the defendant, DAVID LEE GOFFENA, knowingly distributed a

substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT VIII

That on or about February 4, 2014, at Billings, in the State and District of Montana, the defendant, DAVID LEE BARNARD, JR., knowingly distributed 50 grams or more of a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT IX

That on or about February 5, 2014, at Billings, in the State and District of Montana, the defendants, CASEY PATRICK FLEMING and DAVID LEE BARNARD, JR., knowingly possessed a firearm, namely:

- a Colt 9mm firearm with an obliterated serial number,

in furtherance of the drug trafficking crimes charged in Counts I and II above, crimes that may be prosecuted in a court of the United States, and aided and abetted the same, in violation of 18 U.S.C. §§ 2 and 924(c)(1)(A) .

COUNT X

That on or about February 19, 2014, at Billings, in the State and District of Montana, the defendants, CASEY PATRICK FLEMING and DAVID LEE BARNARD, JR., knowingly possessed a firearm, namely:

- a Ruger P95 9mm with an unknown serial number,

in furtherance of the drug trafficking crimes charged in Counts I and II above, crimes that may be prosecuted in a court of the United States, and aided and abetted the same, in violation of 18 U.S.C. §§ 2 and 924(c)(1)(A).

COUNT XI

Beginning in or about January of 2014, and continuing thereafter until in or about March of 2014, at Billings and Roundup, in the State and District of Montana, the State of California, and elsewhere, the defendants, CASEY PATRICK FLEMING, JASON NEEL, DAVID LEE BARNARD, JR., DAVID LEE GOFFENA, KIRSTA ELAINE GOFFENA, DESIREE MARGARITA JIMENEZ, and KATHERINE SUE NEEL *aka Catherine Sue Neel*, knowingly conspired and agree with each other, and with others known and unknown to the Grand Jury, to commit certain offenses under 18 U.S.C. § 1956, and knowingly conducted and attempted to conduct financial transactions affecting interstate commerce, which transactions involved the proceeds of specified unlawful activity, that is, conspiracy to distribute and to possess with intent to distribute methamphetamine, as more fully described in Counts I and II, and while conducting and attempting to conduct such financial transactions the defendants knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in

violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and (ii), all in violation of 18 U.S.C. § 1956(h).

PINKERTON THEORY OF LIABILITY

Count II is subject to a *Pinkerton* theory of liability.

FORFEITURE ALLEGATION

Upon conviction of the offenses set forth in Counts I and II of this indictment, the defendants, CASEY PATRICK FLEMING, JASON NEEL, CODY WILLIAM SIMPSON, DAVID LEE BARNARD, JR., DAVID LEE GOFFENA, KIRSTA ELAINE GOFFENA, HEATHERLYN KYRIE FORE, GERARDO LOPEZ MARTINEZ, MARIO ALBERT VILLEGAS, DESIREE MARGARITA JIMENEZ, and KATHERINE SUE NEEL *aka Catherine Sue Neel*, and DAVID DELCARMEN, pursuant to 21 U.S.C. § 853(a)(1) and (2), shall forfeit to the United States, any property constituting or derived from any proceeds obtained directly or indirectly as a result of the violations alleged in Counts I-XII and any property used or intended to be used in any manner or part to commit or to facilitate the commission of said violations including, but not limited to, the following:

- a 2007 BMW 750, VIN # WBAHN83557DT67616; and
- Residence located at 438 B Street, Taft, California 93268.

If any of the property that constitutes or is derived from the proceeds

traceable to the offenses set forth in Counts I-XIII:

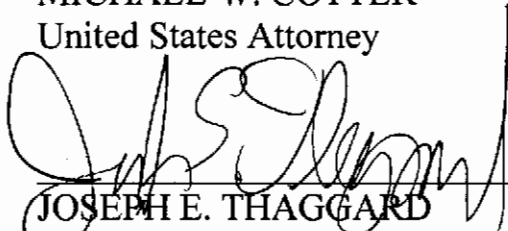
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

A TRUE BILL.


FOREPERSON




MICHAEL W. COTTER
United States Attorney



JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney

Crim. Summons 

Warrant: 

Bail: 

Warrant:
Heatherlyn Kyrie Fore
Jason Neel - CA State custody

Summons:
Desiree Margarita Jimenez
Katherine Sue Neel, aka Catherine Sue Neel
David Delcarmen

USMS Custody:
Casey Patrick Fleming
Cody William Simpson
David Lee Barnard, Jr.
David Lee Goffena
Kirsta Elaine Goffena
Gerardo Lopez Martinez
Mario Albert Villegas

SUMMONS RET DATE
5/5/14 @ 2:30 PM
IN FRONT OF LSO IN
BILLINGS